

II.

**ANALYSIS OF JUVENILE
CRIME PROBLEMS**

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ANALYSIS OF JUVENILE CRIME PROBLEMS IN VIRGINIA

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ANALYSIS OF JUVENILE CRIME PROBLEMS IN VIRGINIA

PREFACE

This section presents data to illustrate the youth involved in Virginia's juvenile justice system. The population section is unchanged as Virginia continues to use data from the 2000 Census. The section is divided into parts containing data about juvenile arrests, intake cases, admissions to secure detention facilities, and commitments to juvenile correctional centers. The most recent available information is presented and that is usually to 2004.

Since the change from uniform crime reporting to the incident-based reporting system, the arrest data have been problematic and they continue to be so. A limited amount of arrest data is provided. Further details are provided in the arrest section.

Information is collected from several sources. Virginia's Department of Juvenile Justice (DJJ) collects data on juveniles handled by local court service units, juveniles held in secure detention facilities, and juveniles committed to juvenile correctional centers. The U.S. Bureau of the Census provides population data projections. All population data are from the 2000 census.

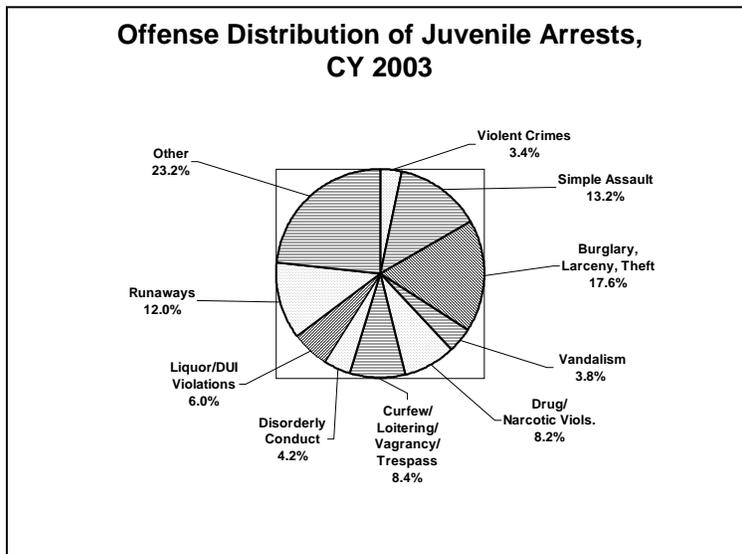
1: VIRGINIA'S JUVENILE POPULATION

No change. The 2000 Census data continue to be used for Virginia's juvenile population.

2: ARREST DATA

Arrest data are obtained from the Virginia Department of State Police. Since the change from the uniform crime reporting system to incident-based reporting, the arrest data have been problematic with large amounts of data from individual localities missing or incomplete. In Virginia, 1999 was the first year to use the IBR system. That year, data for a large, but unknown, number of localities, including many large cities, was incomplete or entirely missing. In 2000, localities representing about one-quarter of the Virginia population reported no data or incomplete data. In 2003, that portion has been reduced to about 2.5%. The result is that trend data are not reliable. Additionally, it is believed that the missing/incomplete estimates are underreported.

In this section, general information about the distribution of offenses and the age distribution of offenders for calendar year 2003 is reported. It is assumed that the missing data will have the same general characteristics of offense and age distributions as that which has been reported.

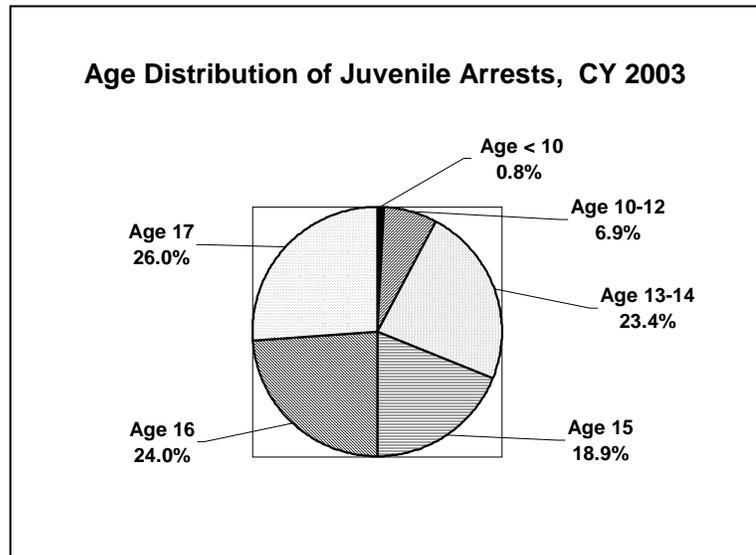


OFFENSES

The offense distribution of juvenile arrests for calendar year 2003 is shown in the graph below. These are the most recent data available. The distribution has changed little since the presentation of 2001 data in the 2003 Three-Year Plan and the 2004 Update. As the graph shows, violent crimes represent a small portion of juvenile arrests -- about 3.4% in 2003.

AGE DISTRIBUTION

The age distribution of juvenile arrests is shown in the graph below. There is essentially no change since 2001. As the graph shows, about 30% of children arrested are aged 14 and under.



SUMMARY: ARREST DATA

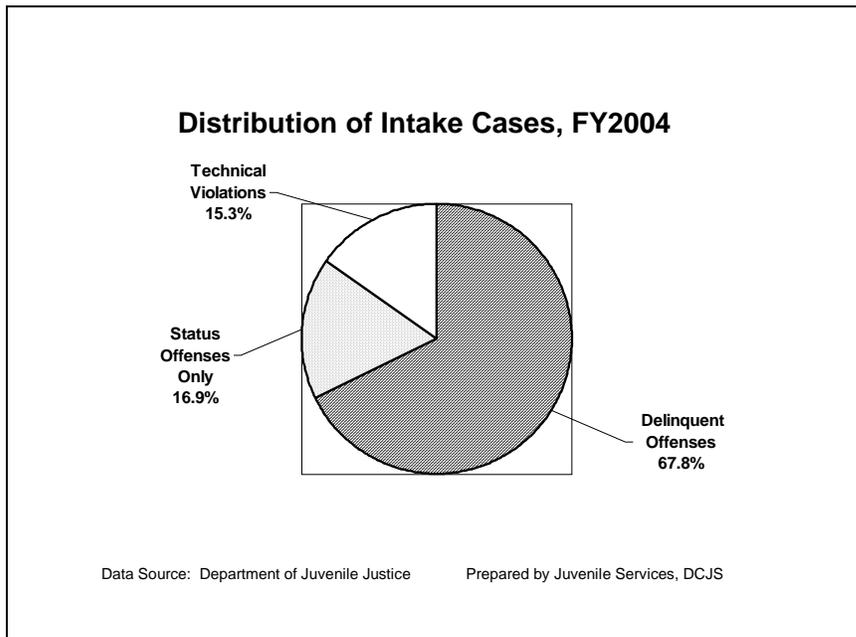
Arrests for violent crimes represented about 3% of juvenile arrests in 1998. That percentage has remained stable. The age distribution is also relatively unchanged since 1998. In 1998, children aged 14 and under represented 30.4% of arrests; in 2003 they represented 31.1%.

3: INTAKE DATA

Juveniles are brought to the attention of intake officers at Juvenile and Domestic Relations Court Service Units by police and by parents, victims, and other agencies. The Court Service Units receive, review, and process complaints, determine whether a petition should be filed with the court, establish whether to release or detain youth, and provide services to youth and families. Information on court service unit intake cases is presented in this section.

COURT SERVICE UNIT INTAKE CASES

The information presented in this section concerns juvenile intake cases. In 2004, there were 64,246 cases which is an increase of less than 2,000 cases over 2003. They include cases where the most serious offense is a delinquent offense, cases of technical violations, and cases where the only offense is a status offense. Data are provided for total, petitioned, and diverted cases. This is the first time we have presented data on cases that are diverted, so trend data are not available. Petitioned and diverted cases do not add to 100% of intake cases as some cases are handled in other ways such as returned to probation supervision, unfounded complaint, returned to out-of-state, consent agreement signed, or shelter care only.



As the graph shows, delinquent cases represent about two-thirds of intake cases (43,547). The largest offense categories for delinquent cases are assault, narcotics violations, and larceny; they are depicted graphically on the next page.

The other one-third of cases is status offenses and technical violations. Cases with only

status offenses represent 1/6 of intake cases (10,889). These are mainly truants, runaways, and children in need of services.

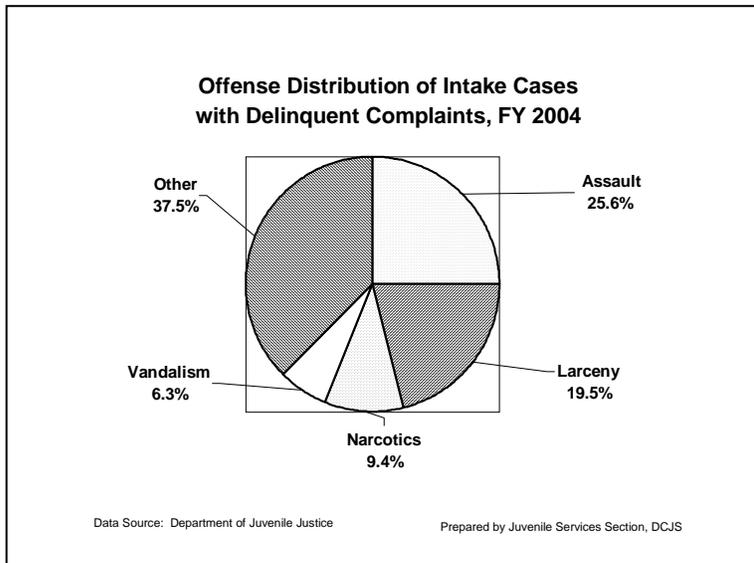
Technical violations represent a little less than 1/6 (9,810). These are cases where no new offense has been committed and are mainly probation/parole violations and contempt of court.

COURT SERVICE UNIT INTAKE - DELINQUENT CASES

Delinquent cases are those for which a child is brought to intake for a complaint that is a felony or a misdemeanor 1-4. These would be criminal offenses if committed by adults. They range from minor offenses such as shoplifting to major offenses such as murder and manslaughter. Most are misdemeanor offenses. Of the felony offenses, most are property offenses rather than crimes against persons. Cases classified as delinquent may have other complaints against the child such as status offenses, technical violations, domestic relations, or traffic, but the most serious complaint is for a delinquent offense.

Total data are presented, along with information concerning the offenses committed, percentages of cases petitioned, and demographic information regarding age, race and gender. For delinquent cases, 4.3% are not accounted for as being petitioned or diverted. As noted above, this indicates that they were handled in some other way.

Largest Delinquent Offense Categories



In 2004, the same four offenses as in 2003 accounted for almost 2/3 of the delinquent cases. These data do not include cases of technical violations or cases where the only offense is a status offense. The 2002 chart included some technical violations, so direct comparison with that is not appropriate. However, except for the technical violations, the largest offense categories are unchanged since 2002 and 2003. They were

assault (10,900 cases compared to 10,500 in 2002), larceny (9,200 cases compared to 8,400 in 2002), narcotics (4,300 cases compared to 4,000 in 2002), and vandalism (2,800 cases compared to 2,800 in 2002).

Overall, about three-fourths (75.3%) of cases brought to court service units for delinquent offenses are petitioned to court. This is unchanged since the last Update. As would be expected, higher percentages of cases with more serious offenses are petitioned.

About 20% (19.8%) of intake delinquent cases are diverted. In 2004, there were 8,636 cases diverted. As would be expected, less serious offenses are more likely

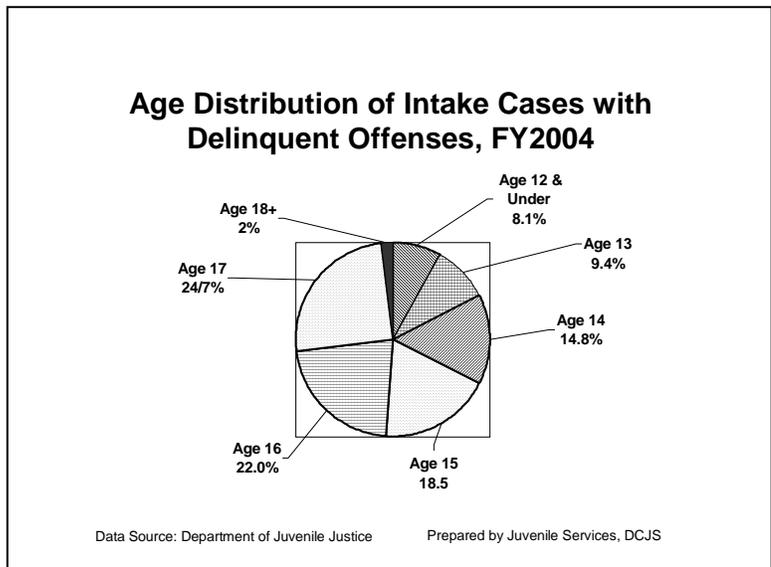
to be diverted. Thus, 30% of abusive language cases and 29% of larcenies are diverted but only 4% of burglaries and 14% of weapons offenses are diverted.

Demographics on Cases - Most Serious Offense is a Delinquent Offense

This section contains data about the age, racial composition, and gender of intake cases where the most serious offense is a delinquent offense.

Age

As the chart shows, almost one-third of children brought to intake for delinquent



offenses are aged 14 and under. About 1 in 6 is aged 13 or under. The numbers and percentages are essentially unchanged since 2003. As in 2003, young juvenile offenders represent a disproportionately large percentage of children brought to intake for arson and sex offenses.

Young children are less likely to be petitioned to court and more likely to be diverted. As shown in the 2004 Update, the decision to petition to court is influenced by age for children aged 13 and under. In FY2004, overall, 76% of cases were petitioned to court, but 44% of cases aged 7-10 were petitioned, 56% of those aged 11, 64% of those aged 12, and 69% of those aged 13 were petitioned. Conversely, children aged 13 and under are more likely to be diverted. In 2004, overall, 20% of cases were diverted, but 53% of cases aged 7 to 10, 41% of cases aged 11, 34% of cases aged 12, and 28% of cases aged 13 were diverted.

Racial and Gender Composition – Delinquent Intake Cases

African American juveniles are over-represented at intake relative to their proportions in the population. The percentage of African American children brought to intake for delinquent offenses is unchanged since 1999. In 2004, 45% of children brought to intake were African American. The gender composition has changed less than 1% since 2000.

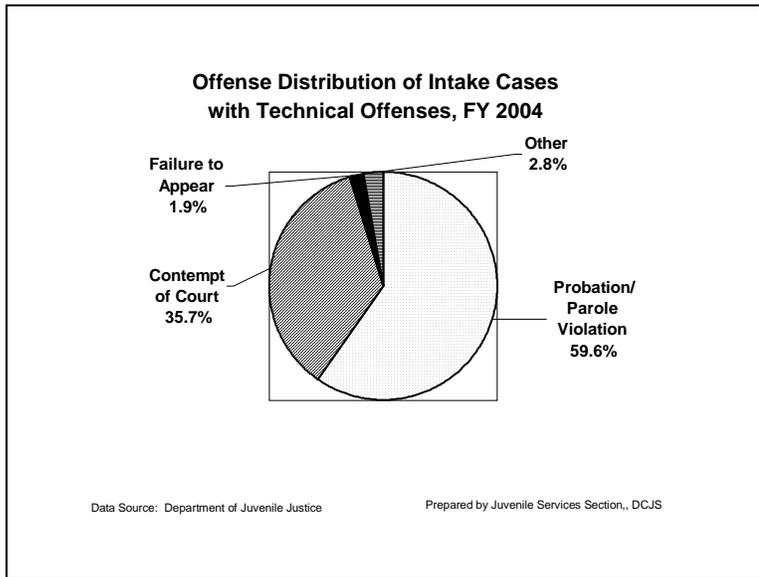
As indicated in the Three-Year Plan, the data indicate that, although African American juveniles are disproportionately represented at intake, overrepresentation is not increased at the petitioning stage. This is unchanged over the past seven years. The data also suggest that the decision to divert is not racially based.

The percentage of intake cases petitioned, by gender, has changed less than 1% since 2000. Overall, a higher percentage of males than females are petitioned (78% vs. 69%) and, conversely, a higher percentage of females than males are diverted

(26% vs. 18%) This is particularly apparent for larceny offenses which represent about 20% of delinquent cases. For larceny overall, 69% of cases are petitioned and 29% are diverted. Females are less likely to be petitioned than males (56% vs. 76%) and more likely to be diverted (42% vs. 23%). There is no apparent bias in other large offense categories such as assault, narcotics, vandalism, disorderly conduct, or burglary.

Because female numbers are low relative to males, comparison for offenses with fewer cases is problematic as a few cases can change the percentages dramatically.

COURT SERVICE UNIT INTAKE -- TECHNICAL OFFENSES CASES

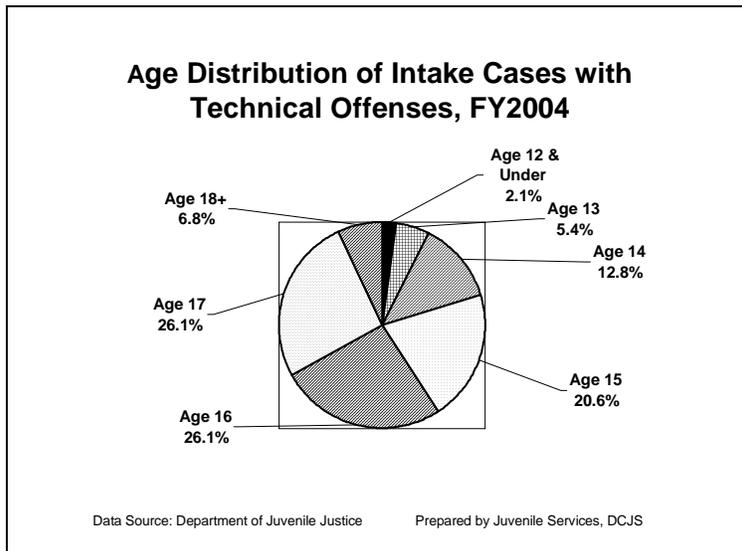


Approximately 10,000 children were brought to intake in 2004 where the most serious offense was a technical offense. These are termed technical offenses because the child has not committed a new offense. Most cases were for probation/parole violations (5,845) or contempt of court (3,505),

as the pie chart shows. The percentages and number are relatively unchanged since the 2004 Update.

Most cases of technical violations are petitioned to court – in 2004, 93.1%. Less than 1% is diverted. Six percent of cases are handled in some way other than being petitioned or diverted, as noted in the introduction to the intake section.

Demographics on Cases - Most Serious Offense is a Technical Offense



Age

The age distribution of children brought to intake for technical offenses is shown in the pie chart. Almost one-quarter of them are 14 years of age or younger. This is somewhat less than for delinquent offenses, as might be expected. These children have already been to intake at least once.

The data indicate that age has no effect on the decision to petition cases where a technical offense is the most serious offense. Because only 83 cases were diverted, that age breakdown is not meaningful.

Racial and Gender Composition

As with delinquent intake cases, African American juveniles are overrepresented relative to their proportions in the population. For technical offenses, 44% of cases were African American compared to 45% of delinquent intake cases. As with other intake cases, the data indicate that the decision to petition to court is not based on race – the percentage petitioned is identical to the total percentage.

A somewhat higher percentage of females are brought to intake for technical offenses (31%) than for delinquent offenses (27%), but there is variability among the offenses. About 38% of contempt of court cases are female compared to 26% of probation/parole violations. These percentages for contempt of court and probation/parole violations are identical to those reported in the 2004 Update. Data indicate that the decision to petition to court is not based on sex.

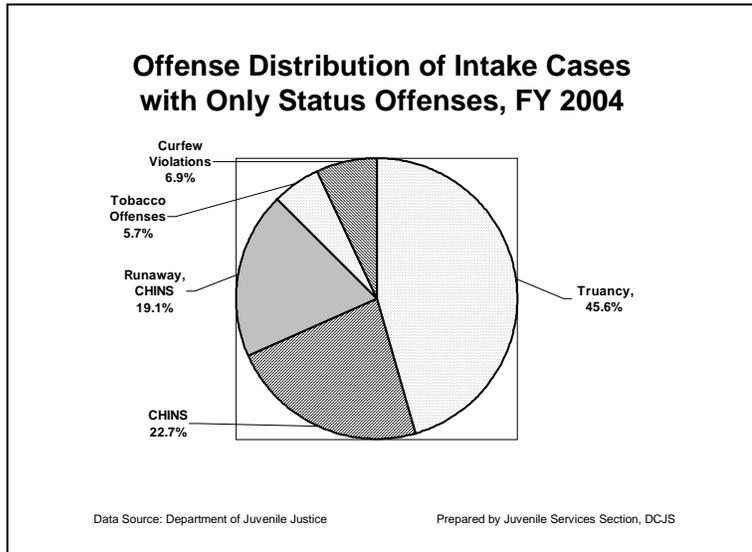
Because there were so few diversions, examination of those data by race or sex is inappropriate.

COURT SERVICE UNIT INTAKE – CASES WITH ONLY STATUS OFFENSES

This section concerns cases involving only status complaints. Status cases have offenses such as purchase or possession of tobacco by a minor, children in need of services (CHINS), runaway complaints (also considered CHINS), and truancy (considered *Children in Need of Supervision*). Were the offender an adult, the

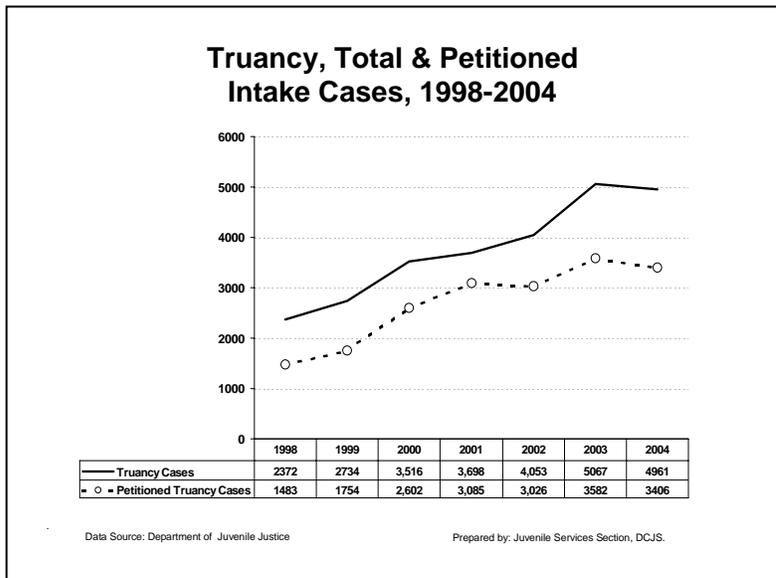
complaints would not be offenses; hence it is the age status of the offender that determines that it is an offense.

Neither the number nor the percentage of children petitioned to court for status offenses has changed much since the Three-Year Plan. There were about 11,000 cases where the only offense was a status offense in FY2004. Of those, 55% were petitioned to court and 40% were diverted. About 5% of cases were neither petitioned nor diverted.



The offense distribution of status offense cases has changed since the Three-Year Plan. In 2002, about 39% of children were brought for truancy. In 2004, it is almost half – 46%. Truancy is a priority area for funding of Title II grants in 2006.

The number of children brought to intake and petitioned to court for truancy has

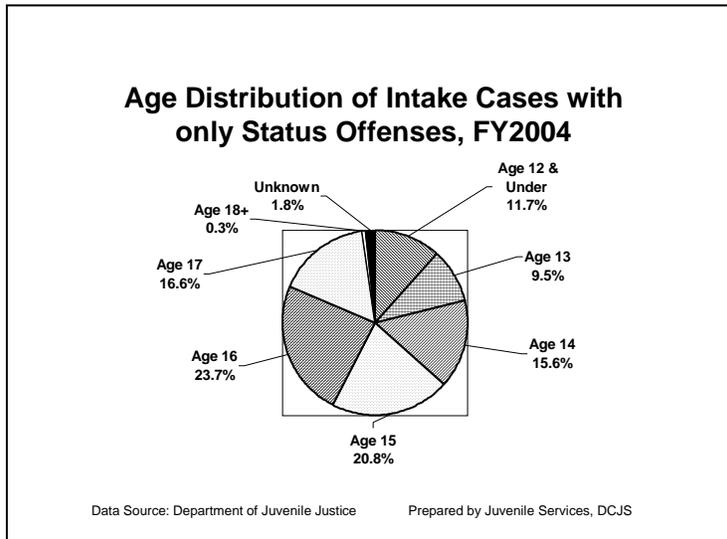


increased dramatically since the change in the legislation in 1999¹, as the graph shows. The number of cases has increased from 2,372 to 4,961 in 7 years, more than doubling. As in the Three-Year Plan, a disparity exists between the percentage of total status offenses petitioned to court and the percentage of truants petitioned. Overall, about 55% of cases with only status offenses were petitioned to court in

FY2004 but 69% of truancy cases were petitioned. The 69% is less than the 75% shown in the Three-Year Plan FY2002 data.

¹ In 1999, the Code of Virginia was amended to require that each school go through a prescribed series of steps to handle truants. The final step is a petition to court. One consequence of the law was to eliminate the practice of punishing truants by expulsion. It also requires schools to attend to truants before their behavior becomes chronic.

In FY2004, about 20% of truants are aged 13 and under; 4% are aged 10 and under. Another 16% are aged 14. The majority -- about 53% -- are classified as white.



Demographics on Cases - Status Offenses Only

Age

As might be expected, cases brought to intake for status offenses are younger than for delinquent or technical offenses. Cases of children aged 13 and under represent 21%; those aged 14 represent another 16%. The percentages are essentially unchanged since the 2004

Update.

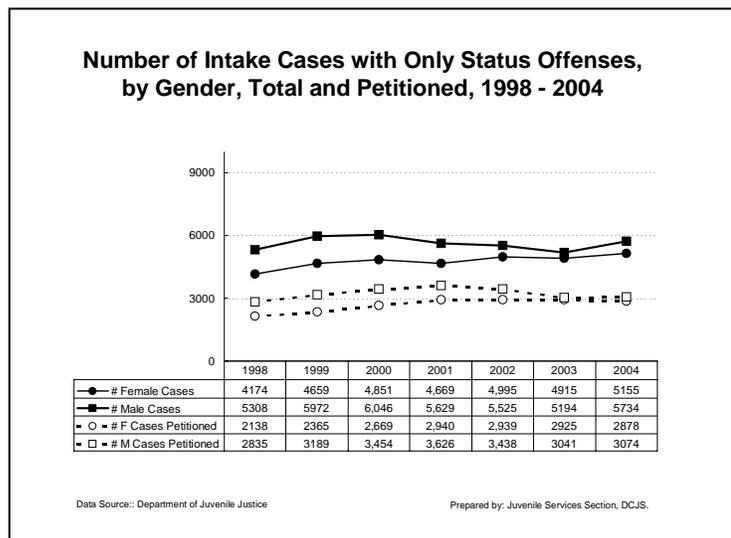
Children aged 11 and under are less likely to be petitioned to court than older children and more likely to be diverted. Of children aged 10 and under, 41% were petitioned to court and 58% were diverted. Of children aged 11, 48% were petitioned and 48% were diverted. Comparatively, of cases of children aged 12-20, 56% were petitioned to court and 39% were diverted.

Racial and Gender Composition: Intake Cases with Only Status Complaints

African American children continue to be overrepresented in cases with only status offenses, although they are less overrepresented than in delinquent or technical offense cases. In 2004, they represented 38% of status intake cases. This percentage has been essentially stable since 1998. The data indicate that there is no racial bias for the petitioning or diversion decisions. African American and white children are equally likely to be petitioned and diverted.

The gender composition of intake cases involving only status complaints is shown in the chart.

As discussed in the Three-



Year Plan, there had been a shift in the gender distribution between 2000 and 2002 such that the gap between the numbers of males and females was narrowing. As the graph shows, until 2003, the number of females was increasing and the number of males decreasing. However, the gap appears to be widening. We will continue to watch the numbers.

Males and females are equally likely to be petitioned or diverted.

SUMMARY, INTAKE CASES

Delinquent cases, which represent about two-thirds of juvenile intake cases, show little change in number, number petitioned to court, or offense distribution over the past years. Assault, larceny, narcotics, and vandalism were four of the five largest offense categories (excluding technical offenses) in 1998 and are the largest offense categories in 2004. Young juvenile offenders continue to represent a disproportionate percentage of children brought to intake for arson and sex offenses.

The other one-third of intake cases is for technical offenses (1/6) and cases where the only offense is a status offense (1/6). All but 5% of technical offense cases are for probation/parole violations or contempt of court. Most status offense cases are for children brought to intake for truancy, running away, or as children in need of services. As reported in the 2004 Update, about half of status offense cases are due to truancy. Truancy is a funding priority for Title II for 2006.

Data are also reported on the percentages of cases petitioned and, for the first time this year, on the percentage of cases diverted. For all 64,000 delinquent intake cases, about 75% were petitioned, 20% diverted, and 5% handled in other ways. For delinquent cases, 76% were petitioned and 20% diverted. For cases with only status offenses, 55% were petitioned and 40% diverted. For technical offense cases, 93% were petitioned and less than 1% were diverted.

For status and delinquent offenses, very young children are less likely to be petitioned and more likely to be diverted. For delinquent offenses, this applies to children aged 13 and under and for status offenses, for children aged 11 and under. Most (93%) of children brought to intake for technical violations are petitioned to court. Age has no effect on that decision.

Minority overrepresentation is a priority for Title II funding for 2006 and was for 2005. African American children are overrepresented at intake relative to their proportions in the population. However, the data indicate that there is no racial bias in the decision to petition or divert.

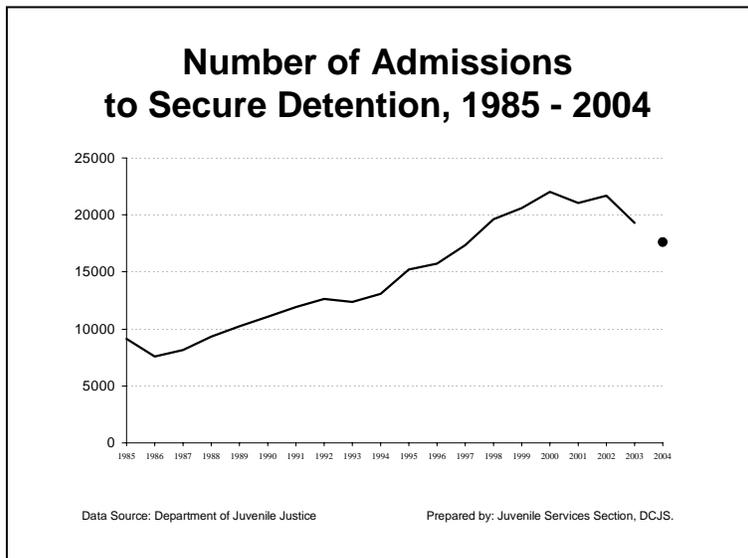
The majority of children in the system are males. For delinquent offenses, females are less likely to be petitioned to court and more likely to be diverted. For cases of technical violations and where the only offense is a status offense, there appears to be no bias based on sex in the decision to petition.

4: SECURE DETENTION

Secure detention facilities provide confinement for juveniles who are awaiting adjudication (pre-dispositional), and local confinement services for adjudicated youth (post-dispositional). In 2004, 77% of admissions to secure detention facilities were predispositional², which is a decrease from 81% reported in the Three-Year Plan.

Sentencing may be for up to six months. Juveniles are also placed in secure detention by a judge for a specified number of days for technical offenses such as probation/parole violations, failure to appear at trial, or contempt of court.

Information on average daily population, admissions, and population demographics for juvenile secure detention facilities is presented in this section. A child may have more than one detention admission during a detention placement by being placed in a facility and transferred in and out of that facility, to another facility, or transferred to and from court. This makes counting problematic. Moreover, in 2004, the Department of Juvenile Justice changed the method of counting admissions such that weekender admissions (juveniles sentenced to serve a number of weekends in detention) were counted only once in 2004. They also recomputed the number of juveniles for 2002 and 2003. Those recomputations indicate a difference of 500-600 admissions per year or about 2-3%.



The number of juveniles admitted to secure detention for the 20-year period 1985 to 2004 is shown in the graph. We have retained it because of the temporal information it provides; however, because of the change in counting method the 2004 data point is shown separately.

The 17,620 admissions in 2004 represent 10,926 juveniles. The number of juveniles has decreased by

14% from 12,703 reported in the Three-Year Plan. As in 2004, about two-thirds were admitted only one time and the others were admitted multiple times.

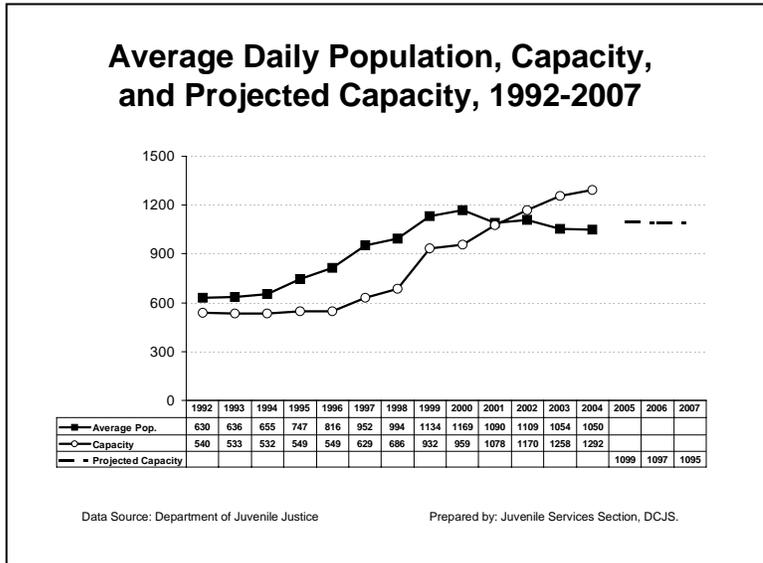
Reducing the number of children admitted to secure detention facilities is a funding priority for Title II grant funding in 2006 as it was in 2005.

² Virginia Department of Juvenile Justice (2005). *Data Resource Guide, Fiscal Year 2004*, Richmond, VA.

AVERAGE DAILY POPULATION, CAPACITY, AND PROJECTED CAPACITY

The chart shows the average daily population, capacity, and projected capacity of secure detention facilities.

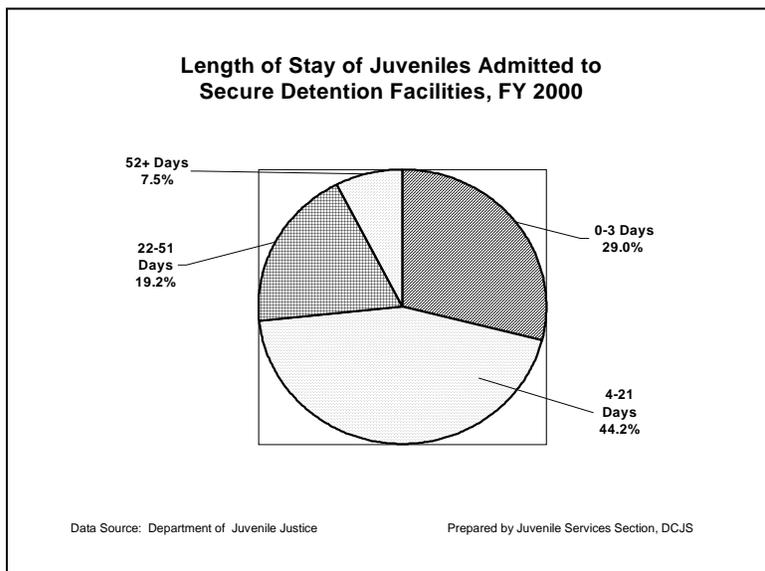
In the 9-year period, 1992-2000, the average daily population of secure detention facilities almost doubled; however, since 2000 there has been a 10% decrease.



LENGTH OF STAY

Most juveniles are detained in secure detention facilities for less than three weeks. The average length of stay is depicted below. The data were taken from a 2001 report by the Department of Juvenile Justice³. Intervals shown are consistent with statutes in the *Code of Virginia*.

Once detained, juveniles must appear before a judge on the next day on which the court sits, not to exceed 72



hour (3 days). The length of stay is typically determined by the judge; however, a juvenile must be released from secure detention if there is no adjudicatory or transfer hearing within 21 days from the initial date of detention.

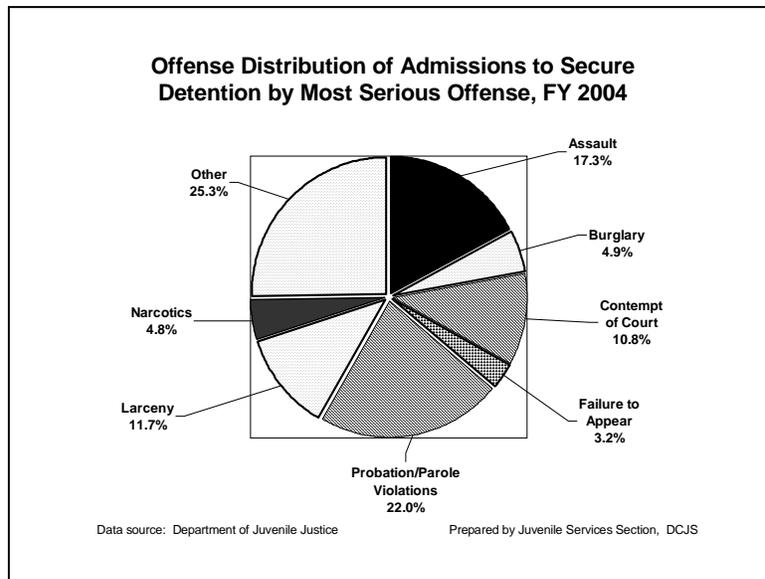
As the pie chart shows, 29% of admissions are for three days or less; another 44% are for 4 days to 21 days, 19% are for 21 days to 51

³ Virginia Department of Juvenile Justice (2001). *Juvenile detention: What's going on in Virginia: Utilization of pre-dispositional juvenile detention in Virginia, Fiscal year 2000*. Richmond, VA

days (about 7 ½ weeks) and the remaining 8% are for more than 52 days. Ensuring the adequate legal representation of juveniles prior to detention is a priority for Virginia.

ADMISSIONS FOR SPECIFIC OFFENSES: SECURE DETENTION

Relatively few offenses account for the majority of the 17,620 admissions in 2004 and they are about the same percentages as reported in the Three-Year Plan and the 2004 Update.



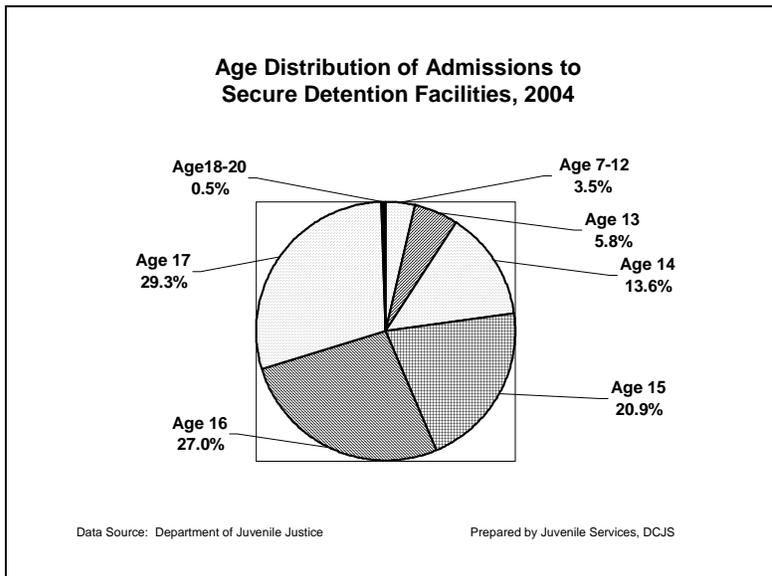
Seven offenses, which account for 3/4 of admissions, are depicted in the pie chart. The largest category was technical violations, shown by the cross-hatched pattern in the chart. Together, the three technical violations -- probation/ parole violations, contempt of court, and failure to appear -- account for 36% of admissions, which is exactly the same percentage as in the 2004 Update. These are admissions for which the

child has not committed a new offense. This is not a new trend. Technical offenses were the largest category of admissions in the two previous Three-Year Plans.

The other major categories are assault, 17%, larceny, 12%, narcotics, 5%, and burglary, 5%, unchanged since the last Update. Together, they account for another 39% of the pie chart.

AGE DISTRIBUTION: SECURE DETENTION FACILITIES

The following pie chart shows the age distribution of children aged 7 to 17 admitted to secure detention facilities in Virginia in 2004⁴. The percentages displayed have changed little since the submission of the Three-Year Plan.



The top right quadrant represents children who are aged 14 and under. Twenty-two percent of admissions to secure detention facilities were of children aged 14 and under in 2004, as in 2003. This represents, 25 admissions of children aged 7-10, 91 aged 11, 361 aged 12, 1,029 aged 13, and 2,936 aged 14.

This is an ongoing pattern - children aged 14 and under have represented between 22 and 25% of

admissions to secure detention facilities since 1998.

RACIAL AND GENDER COMPOSITION: SECURE DETENTION FACILITIES

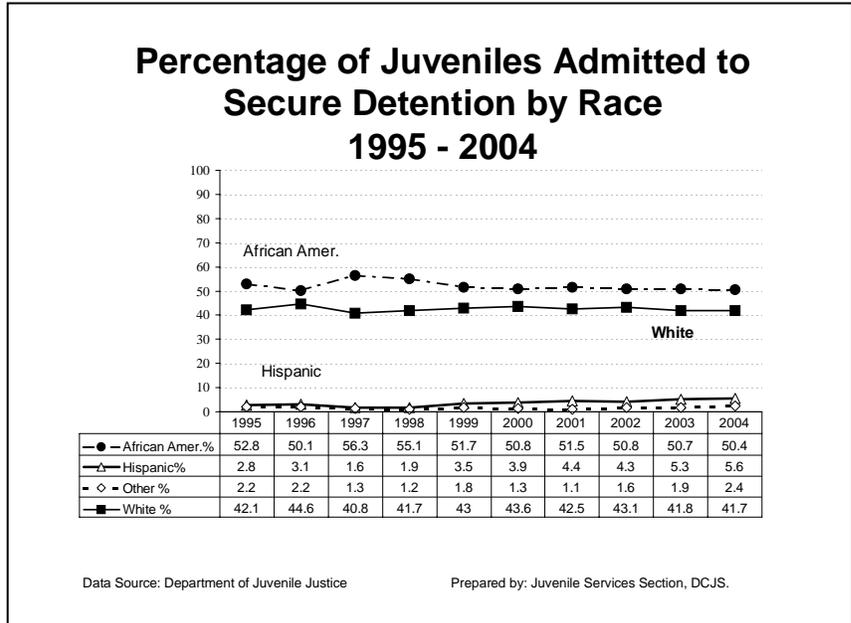
Both African American and white children show a decrease in the number of admissions from 2002. In contrast, the number of admissions of Hispanic children has increased by about 7.5% from 2002. As the number of admissions varies from year to year, it is too early to tell whether these are trends. Percentile information is depicted in the graph below.

⁴ Data for admissions of unknown age were omitted. They total 25 admissions.

As at intake, African American children are over-represented in secure detention facilities in Virginia. They represent 24% of the at-risk population but 50% of admissions. The situation is unchanged over the past eight years.

Children classified as white are 65% of the at-risk population and 42% of admissions.

Together, admissions of African American and white children account for about 92% of admissions.



The percentage of admissions of Hispanic juveniles has doubled since 1995 from 2.8% to 5.6% in 2004. Whether this represents a true increase or inaccurate classification in the earlier years cannot be determined from the data.

Gender Distribution

In 2004, there was a decrease in the number of male and female admissions, some of which will be due to the changes in the counting method. The percentages of male and female admissions are unchanged since 2002.

SUMMARY: SECURE DETENTION FACILITIES

We have 20 years of admissions data for detention facilities. Although the number of admissions has decreased since 2000, overall the number has almost doubled over the past 20 years, even given this year's change in counting method. In 2004, 75% of admissions were predispositional. This is a reduction from the 81% reported in the Three-Year Plan.

The largest offense category for which children are detained is technical violations: they account for 36% of admissions. This is not a new trend. Technical offenses were the largest offense category in the last two Three-Year Plans.

Twenty-two percent of children admitted to secure detention facilities in 2004 were aged 14 and under. This is an ongoing pattern -- children aged 14 and under have represented more than 20% of admissions to secure detention facilities since 1998.

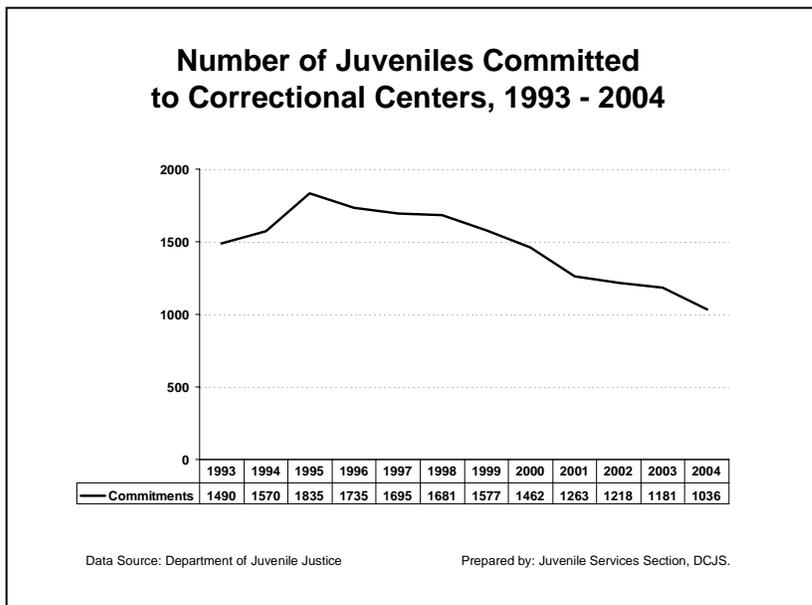
As at intake, African American children are over-represented in secure detention facilities in Virginia. They represent 24% of the at-risk population but 50% of admissions. The situation is unchanged over the past eight years.

5: JUVENILE CORRECTIONAL CENTERS

If a juvenile is adjudicated as a delinquent and is 11 years of age or older, one of the possible sanctions is custodial commitment to State care. State care includes an initial assessment at the Reception and Diagnostic Center. From the Reception and Diagnostic Center, the juvenile may go to a privately operated residential facility, or a Juvenile Correctional Center. The Community Placement Program is a pilot program operating in the Tidewater and Shenandoah secure detention facilities which places juveniles committed to the State in local detention facilities rather than correctional centers. The detention facilities are typically closer to the youth's homes.

This section contains data on commitments, average daily population, admitting offenses, and population demographics for juveniles committed to correctional centers.

The cost of detaining a juvenile in a correctional facility is high. In 2004, the annual per capita cost was \$79,355 comprised of \$63,489 JCC annual cost and \$15,866 educational costs⁵.



Recidivism rates are also high. The rearrest rate for juveniles released from correctional centers is 76% after three years and reconviction rates are 68%⁶. Aftercare is a priority for Title II funding for 2006.

There are seven juvenile correctional centers in Virginia including the Reception and Diagnostic Center.

The number of juveniles committed to juvenile correctional centers is shown in the chart.

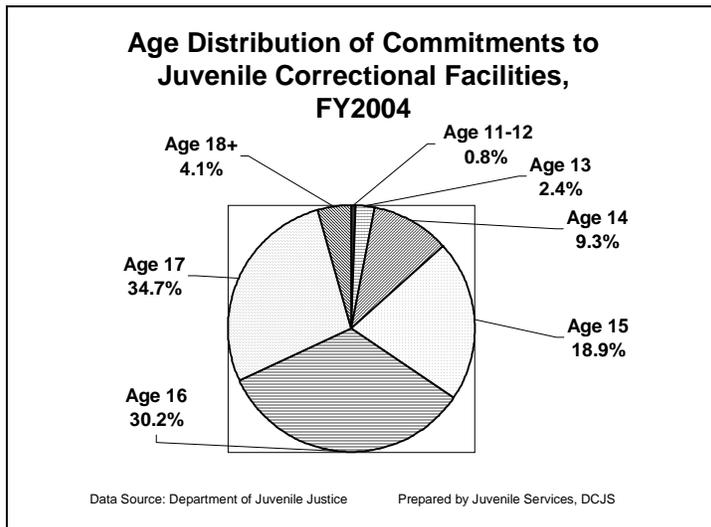
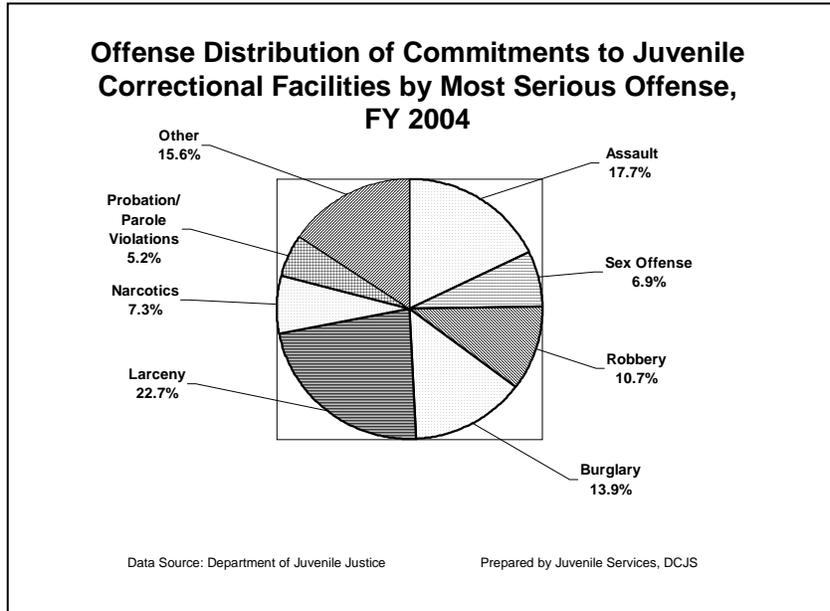
5.6. Virginia Department of Juvenile Justice (2003). *Data Resource Guide, Fiscal Year 2004*, Richmond, VA

The total number of commitments has decreased by 30% over the 11-year period from 1490 in 1993 to 1181 in 2004.

OFFENSES

Relatively few offenses contribute a large portion of committing offenses. These are depicted in the chart. The number of commitments has decreased since the 2004 Update from 1181 to 1036, a decrease of 12.3%. Two major categories have changed their distribution such that one has increased and one has decreased more than the norm.

In contrast to the declining trend, the number of commitments for assault has increased by 19 from 164 to 183, an increase of 11.6%. Assault now represents 17.7% of commitments, which is a change in the distribution since the last Update. The other change is in commitments for larceny, which have decreased more than the norm from 295 to 235, a decrease of 20.3%.



AGE DISTRIBUTION

The pie chart presents the age distribution of persons committed to juvenile correctional centers in 2004.

The percentages are essentially unchanged since 2002.

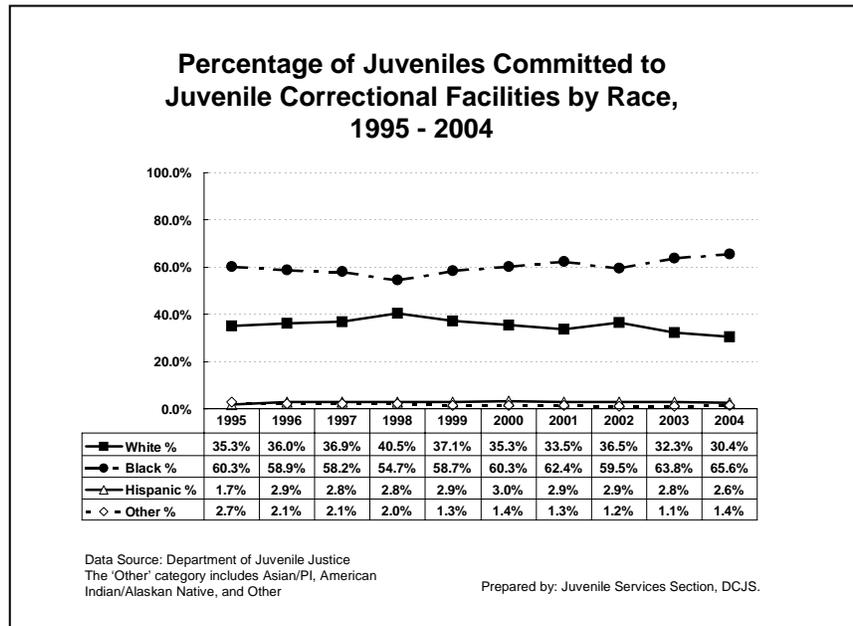
RACIAL AND GENDER COMPOSITION: CORRECTIONAL CENTERS

Racial Composition

As reported in the Three-Year Plan, the numbers of African American and white children decreased at about the same rate over the ten years, 1993 to 2002. However, the decrease from 2002 to 2004 is not equivalent for African American and white children. It is too early to determine if this is an anomaly in the data or a pattern.

The graph provides an overview of the relative proportions of individuals of the three main racial categories and other minorities.

As the graph shows, African American children represent 66% of commitments to juvenile correctional centers, an increase from 60% in 2002. The percentage of white children has decreased from 37% to 30% since 2002.



Gender Distribution

The gender distribution of admissions to correctional centers varies somewhat from year to year but has changed little over the ten-year period 1993 to 2002. Close to 90% are males; about 9 -12% are females.

SUMMARY, JUVENILE CORRECTIONAL CENTERS

The number of commitments to juvenile correctional facilities has continued to decrease since the submission of the Three-Year Plan.

Commitments to juvenile correctional facilities are typically of African American males. About 35% of the most serious offenses are offenses against persons such

as assault, sexual assault, and robbery. Burglary and larceny represent another 35%. Narcotics and probation/parole violations are the other largest categories.

As would be expected, the age distribution of juveniles committed to correctional facilities reflects older children than those brought to intake or confined in secure detention facilities.

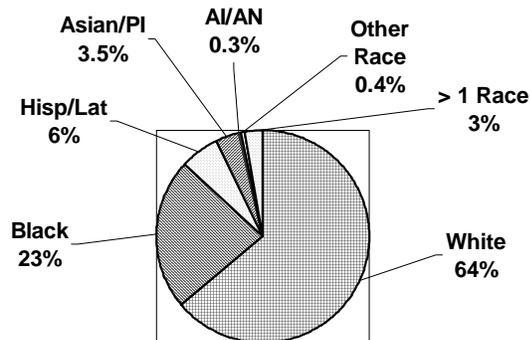
As at intake and in secure detention facilities, African American children are over-represented relative to their proportion in the juvenile population.

6. EXTENT OF DISPROPORTIONATE MINORITY CONTACT

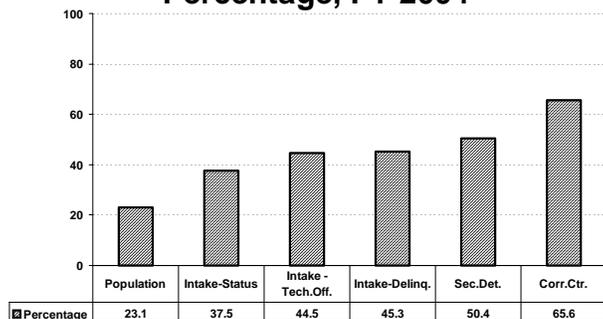
The data provided below give an overview of how minority children are represented in the system and information about their offenses⁷.

The pie chart shows the racial distribution of Virginia's juvenile population. The juvenile population is mainly white or African American, although, as discussed in the Three-Year Plan, the Hispanic population has increased substantially since the 1990 census.

Virginia Juvenile Population Distribution, 2000 Census



Percentage of Black Youth in Juvenile Justice System Compared to Population Percentage, FY 2004



Data Source: Department of Juvenile Justice

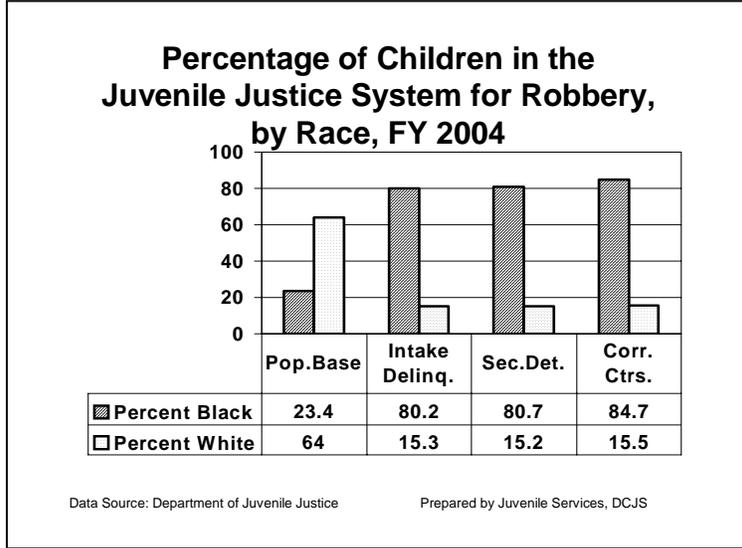
Prepared by: Juvenile Services Section, DCJS.

The graph shows the percentages of African American children at various stages in the juvenile justice system.

As one moves deeper into the system, there is a steady increase in the percentage of African American children, as the graph depicts. They represent less than one-quarter of the population, but by the correctional center

⁷ These data include some individuals who are 18 years or older: 35 intake for status offenses, 671 intake for technical violations, 881 delinquent intake, 82 detention admissions, 42 commitments to correctional centers. They also include some of unknown race: 191 intake cases for status offenses, 6 intake for technical violations, 217 intake delinquent offenses, and 25 detention admissions.

stage, they are two-thirds of commitments.



African American children are more overrepresented in some offenses than in others. Examination of the data shows that, throughout the system, African American children are overrepresented for charges of robbery compared to white children. Those data are depicted in the bar graph. This pattern of disproportionate representation for robbery offenses was also shown in the 2004 Update.

More information is provided in the *Plan for Reducing Disproportionate Minority Contact*. That plan gives an overview of Virginia's activities to address disproportionate minority contact.

7. AVAILABILITY OF SERVICES IN RURAL AREAS

Access to services for juveniles who have had contact with the juvenile justice system is inconsistent across the state. With few exceptions, rural areas have fewer services available to the people in their communities. This is particularly true for accessing specialized services for subgroups of youth, such as substance abuse, mental health, and sex offender treatment. The lack of available services includes access to quality legal representation, including public defender services, and lack of diversion and post- adjudication programs.

The Juvenile Services Section, DCJS, has put in place several policies to address this issue. Grant applications for Title II, Title V, and JABG funding allow for small geographically adjacent localities to join together and submit one application. The grant application process is two stages with a concept paper required before the full application. This enables applicants to determine if their idea is acceptable before writing a full grant application. For JABG funding, a separate Request for Proposals invites rural localities to apply. Successful applicants may use funds based on a needs assessment of the local juvenile justice system. This combination of strategies seems to be effective. For Title II grants, two of the six new starts in 2002, two of the five in 2003, and three of the nine in 2004 are to rural localities.

Resources have been dedicated to find alternative ways to include rural localities in opportunities. Training for new grantees has been provided via video conferencing, eliminating the cost of travel to a central location. One-time Special Funds provide an opportunity for rural localities to obtain funds to meet small, specialized needs. Juvenile Services publications and the juvenile justice system demographics web page are available online on the Juvenile Services web page.

There are challenges to solutions. Because the tax base is generally smaller in small localities, they will not have the community resources that are available in larger, richer localities. With the reduction in Virginia Juvenile Community Crime Control Act (VJCCCA) funding in FY 2003, there are even fewer available community resources than when it was available.

8. MENTAL HEALTH NEEDS OF JUVENILE OFFENDERS

Many children in Virginia's juvenile justice system have demonstrated mental health needs. It has been suggested that the juvenile justice system is used as an alternative treatment resource for children with mental health needs. A recently published report of the American Bar Association recommends,

The Commonwealth should address the increase in mental health and school-related referrals to juvenile court and evaluate their appropriateness, especially as this impacts minority youth.⁸

Children may be referred to juvenile court because a judge can order treatment in the community that the child would not receive otherwise.

In a 2001 survey⁹ of juvenile justice professionals, including staff of court service units and members of the judiciary, offenders with mental health problems was one of the highest ranked items.

An analysis of juveniles committed to the State's correctional facilities¹⁰ indicated that, in 2003, 23% of males and 42% of females had a history of prior psychiatric hospitalization. These children are receiving treatment.

Efforts are being made to address the issue at the agency level and statewide. The 2004 Virginia General Assembly passed a bill, Senate Joint Resolution 81, that encourages the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide demonstration projects designed to divert individuals with mental health problems from jail and secure detention¹¹.

Virginia DCJS has devoted resources to address the mental health needs of children in the juvenile justice system and at risk for entering the system. Many of these have been provided through DCJS Challenge grant and JABG funds. Both have been used to fund juvenile forensic fact sheets for juvenile justice and mental health professionals. These are available on the University of Virginia web page at http://www.ilppp.virginia.edu/Publications_and_Reports/juvenile_forensic_fact_sheet_s.html.

⁸ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association.

⁹ Virginia Department of Criminal Justice Services, Juvenile Services Section (2001). *Juvenile Accountability and Incentive Block Grant (JAIBG) Survey*. Richmond, VA

¹⁰ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

¹¹ The full text is available online at <http://leg1.state.va.us> (choose Bills & Resolutions, enter sj81).

DCJS Challenge grant funds were provided to the University of Virginia to develop a cd-rom, *The Kid in Trouble*, which provides a tutorial on the diagnosis, treatment, and risk for children in contact with the juvenile justice system or children at risk.

Through a DCJS Challenge grant, funds were provided to the University of Virginia to prepare legal briefs regarding treatment for mental illness and substance abuse to juveniles in confinement. Information about the briefs is available on their web site at

http://www.ilppp.virginia.edu/Research_Initiatives/contemporary_legal_issues.html.

The Virginia Commission on Youth received Challenge grant funds through DCJS in 2003 and 2004 to distribute their publication, *Collection of Evidence-based Treatments for Children with Mental Health Disorders* (House Document 9, 2003) and to provide information and training about the publication. It is available on their web site at <http://coy.state.va.us/Modalities/contents.htm>.

In 2003, JABG funds were used to provide \$500,000 funding to DMHMRSAS to provide mental health services to children in five detention facilities. This grant includes funding for transition services for these children to receive mental health treatment in their communities. In 2004, DMHMRSAS received continuation funding for this grant.

Challenges remain. This is not an issue that can be solved by the juvenile justice system alone. The Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services has reduced residential psychiatric services available to children. With the reduction in Virginia Juvenile Community Crime Control Act (VJCCCA) funding in FY 2003, there are fewer community resources available than when it was available.